

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration and allowance of claims 1, 7, 9, 10, 12-14, 17-21, 25-33 that are pending in the application. Applicant has amended claims 1, 7, 18 and 21, cancelled claim 16, and added new claims 25-33. No new matter has been added by way of these amendments, as support for the amendments can be found in the specification as filed.

Allowable Claims

Applicant acknowledges with appreciation that at page 9 of the Office Action, the Examiner deemed claims 16-19 and 21 as containing allowable subject matter.

Objections to the Claims

At page 2 of the Office Action, the Examiner objected to claim 21 as to the number of inlet channels. In response, Applicant has amended the claim 21 to recite one channel. Accordingly, Applicant respectfully requests that the objection to claim 21 be withdrawn.

Claim Rejections Under §112

At pages 2-3 of the Office Action, the Examiner rejected claim 18 under 35 U.S.C. § 112, second paragraph, as lacking antecedent basis for certain language. In response, Applicant has amended claim 18 in ways that are believed to overcome the Examiner's rejection. Accordingly, Applicant respectfully requests that the claim rejection under §112, second paragraph, be withdrawn.

Claim Rejections Under 35 U.S.C. §§ 102, 103

In the Office Action, the Examiner has rejected claims 1 and 7 under 35 U.S.C. §102(b) as being anticipated by U.S. 6,089,228 ("the '228 patent"), rejected claims 1, 9, 13, 18, and 20

under 35 U.S.C. §102(b) as being anticipated by U.S. 2,693,805, and rejected claims 1, 10, and 12-14 under 35 U.S.C. §103(a) as being obvious over U.S. 6,443,152.

In response, Applicant has amended independent claim 1 to include the limitations of claim 16, a claim that the Examiner has deemed allowable. Accordingly Applicant submits that independent claim 1, as well as its subject dependent claims, are allowable and the prior art rejections should be withdrawn.

New Claims

Applicant has added new claim 25, which recites the limitations of claim 1 as amended, without the specific Laval nozzle. Thus, as new claim 25 includes the limitations of allowable claim 16, Applicant submits that new claim 25 and its dependent claims are allowable.

Applicant has added new claim 28, which recites the limitations of claim 17, without the specific Laval nozzle. Thus, as new claim 28 includes the limitations of allowable claim 17, Applicant submits that new claim 28 and its dependent claims are allowable.

Applicant has added new claim 31, which recites the specific structural elements of a Laval nozzle as well as its characteristics when used in the inhaler: the Laval nozzle includes a narrowing inlet section, a section of narrowest cross-section, and a widening outlet section, such that the powder particles achieve a supersonic speed in the narrowing inlet section of the Laval nozzle and are decelerated to subsonic speed in the widening outlet section of the Laval nozzle. None of the cited art of record disclose or suggest these elements and characteristics. Accordingly, Applicant submits that new claim 31 and its dependent claim are allowable.

Applicant has added new claim 33, which recites the specific structural elements of a simple aperture-type nozzle as well as its characteristics when used in the inhaler: an aperture of predetermined shape communicating with the mouthpiece, the aperture being shaped such that it introduces turbulence to the powder particles and that particle sizes of between about 1-5 um do not stick together prior to leaving the mouthpiece. None of the cited art of record disclose or suggest these elements and characteristics. Accordingly, Applicant submits that new claim 33 is allowable.

CONCLUSION

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance. Early and favorable action is earnestly solicited. In the event there are any fees due and owing (or refundable) in connection with this matter, please charge (or refund) same to our Deposit Account No. 11-0223.

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Respectfully submitted,

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